

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on February 18, 2011 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Bruce Tutvedt (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 341, 2/15/2011; SB 342, 2/15/2011; SB 352, 2/15/2011
SB 361, 2/15/2011

Executive Action: SB 342, Do Pass As Amended; SB 361, Do Pass; SB 352, Do Pass As Amended; SB 341, Do Pass As Amended; SB 264, Tabled; SB 294, Do Pass As Amended, SB 102 Tabled.

HEARING ON SB 361

Opening Statement by Sponsor:

00:00:58 Sen. Rick Ripley (R), SD 9, opened the hearing on SB 361, Generally revise gambling laws.

Proponents' Testimony:

00:02:27 Neil Peterson, Gaming Industry Association of Montana (GIAM)
00:03:23 Ronda Wiggers, Montana Coin Machine Operators
00:05:26 Tim Carson, Grand Vision Gaming, Billings
00:06:12 Darrell Keck, Steakhouse Lounge and Casino, Shelby
00:06:52 Clint Lohman, Rocky Mountain Gaming, Bpzyman; Lohman Gaming, Glendive
00:07:32 Mark Staples, Montana Tavern Association

Opponents' Testimony: None

Informational Testimony:

00:08:02 Rick Ask, Division Administrator, Gambling Control Division, Department of Justice (DOJ)

Questions from Committee Members and Responses:

00:08:42 Chairman Balyeat
00:08:50 Ms. Wiggers
EXHIBIT(bus40a01)
00:09:08 Sen. Facey
00:09:12 Mr. Peterson, GIAM

Closing by Sponsor:

00:09:48 Sen. Ripley

HEARING ON SB 352

Opening Statement by Sponsor:

00:10:49 Sen. Donald Steinbeisser (R), SD 19, opened the hearing on SB 352, Allow adverse driving record use in setting auto insurance risk classifications.

Proponents' Testimony:

00:12:59 Jacqueline Lenmark, American Insurance Association (AIA); Insurance Service Incorporated (ISI)
EXHIBIT(bus40a02)
00:17:58 Dwight Easton, Farmers Insurance Group of Companies

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:33 Chairman Balyeat
00:18:37 Ms. Lenmark, AIA
00:18:55 Sen. Mowbray
00:19:17 Ms. Lenmark

Closing by Sponsor:

00:20:02 Sen. Steinbeisser

00:20:14 Sen. Facey
00:21:08 Chairman Balyeat

HEARING ON SB 341

Opening Statement by Sponsor:

00:21:24 Sen. Frederick (Eric) Moore (R), SD 20, opened the hearing on SB 341, Revise certain unemployment insurance charges to employers.

Proponents' Testimony:

00:26:37 Errol Rice, Montana Stockgrowers Association (MSA)
[EXHIBIT\(bus40a03\)](#)

Opponents' Testimony:

00:28:17 Roy Mulvaney, Administrator, Unemployment Insurance Division, Department of Labor and Industry (DOLI)
00:31:22 Chris Cavazos, Political Director, Montana State American Federation of Labor-Congress of International Organizations (AFL-CIO)
00:32:06 Keith Allen, International Brotherhood of Electrical Workers (IBEW) #233

Informational Testimony: None

Questions from Committee Members and Responses:

00:33:55 Sen. Mowbray
00:34:32 Mr. Mulvaney, DOLI
00:35:19 Sen. Facey
00:37:45 Mr. Mulvaney
00:38:04 Sen. Vuckovich
00:40:32 Sen. Moore
00:41:14 Chairman Balyeat
00:41:33 Sen. Tropila
00:42:28 Mr. Allen, IBEW
00:43:23 Chairman Balyeat

00:46:31 Mr. Mulvaney, redirect question, without objection
00:47:28 Mark Cadwallader, Attorney
00:48:40 Chairman Balyeat

Closing by Sponsor:

00:49:52 Sen. Moore

HEARING ON SB 342

Opening Statement by Sponsor:

00:53:32 Sen. Edward Buttrey (R), SD 13, opened the hearing on SB 342, Define misconduct for unemployment insurance laws.

[EXHIBIT\(bus40a04\)](#)

Proponents' Testimony: None

Opponents' Testimony:

00:57:05 Keith Allen, International Brotherhood of Electrical Workers (IBEW) #233
00:57:29 Chris Cavazos, American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

Informational Testimony:

00:57:59 Roy Mulvaney, Administrator, Unemployment Division, Department of Labor and Industry (DOLI)

[EXHIBIT\(bus40a05\)](#)

Questions from Committee Members and Responses:

01:00:19 Sen. Facey
01:02:00 Sen. Buttrey
01:02:19 Sen. Jackson
01:04:59 Mr. Allen, IBEW
01:05:07 Sen. Jackson
01:05:13 Sen. Buttrey
01:05:41 Chairman Balyeat
01:07:06 Mr. Mulvaney
01:07:21 Chairman Balyeat
01:07:32 Mr. Cavazos, AFL-CIO
01:07:47 Sen. Facey
01:08:02 Mr. Mulvaney

Closing by Sponsor:

01:08:13 Sen. Buttrey

01:09:00 Sen. Facey
01:09:14 Chairman Balyeat
01:09:28 Ms. Murdo

EXECUTIVE ACTION ON SB 342

01:09:55 **Motion:** Sen. Mowbray moved that **SB 342 DO PASS.**

01:10:09 **Motion:** Chairman Balyeat moved that **SB 342 BE CONCEPTUALLY AMENDED.**

Discussion:

01:10:48 Sen. Mowbray
01:11:24 Ms. Murdo

01:11:53 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:12:00 **Motion/Vote:** Sen. Facey moved that **SB 342 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 102

01:12:27 Chairman Balyeat concluded some unfinished Executive Action from 2/17 by making a motion.

01:12:37 **Motion:** Without objection, Chairman Balyeat moved to place SB 102 back on the table.

EXECUTIVE ACTION ON SB 352

01:13:04 Chairman Balyeat
01:13:08 Ms. Murdo
01:13:24 Sen. Facey
01:13:35 Chairman Balyeat asked to wait a few minutes until copies were made.

EXECUTIVE ACTION ON SB 361

01:14:18 Chairman Balyeat

01:14:26 **Motion/Vote:** Sen. Facey moved that **SB 361 DO PASS.** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 352

01:15:26 **Motion:** Sen. Facey moved that **SB 352 DO PASS.**

01:15:35 **Motion:** Sen. Steinbeisser moved that **SB 352 BE AMENDED.**

EXHIBIT(bus40a06)

Discussion:

01:15:38 Ms. Murdo
01:18:17 Chairman Balyeat
01:18:22 Sen. Mowbray
01:18:29 Ms. Murdo

01:19:03 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.

01:19:15 **Motion/Vote:** Sen. Facey moved that **SB 352 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:20:55 Chairman Balyeat

01:21:00 Recess

01:39:00 Reconvene

01:39:03 Chairman Balyeat

01:39:17 Sen. Jackson did not return from the break until later in the meeting.

EXECUTIVE ACTION ON SB 294

01:39:34 **Motion:** Sen. Balyeat moved that **SB 294 DO PASS**.

[**EXHIBIT\(bus40a07\)**](#)

[**EXHIBIT\(bus40a08\)**](#)

01:39:49 **Motion:** Sen. Balyeat moved that **SB 294 BE AMENDED**.

Discussion

01:40:46 Chairman Balyeat
01:42:22 Sen. Moore
01:42:31 Sen. Facey

01:42:49 **Vote:** Motion carried 8-3 by voice vote with Sen. Stewart-Peregoy, Sen. Vuckovich and Sen. Jackson voting no. Sen. Tutvedt, Sen. Windy Boy and Sen. Jackson voted by proxy.

01:43:22 **Motion:** Sen. Facey moved that **SB 294 DO PASS AS AMENDED**.

Discussion:

01:43:38 Ms. Murdo
01:43:51 Chairman Balyeat

01:44:33 **Vote:** Motion carried 9-2 by voice vote with Sen. Stewart-Peregoy and Sen. Vuckovich voting no. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:45:06 Chairman Balyeat

EXECUTIVE ACTION ON SB 264

01:45:42 **Motion:** Sen. Moore moved that **SB 264 DO PASS.**

Discussion:

01:45:53 Chairman Balyeat

01:47:40 Sen. Moore

01:49:19 Sen. Facey

01:50:07 Sen. Steinbeisser

01:50:33 Sen. Moore

01:50:46 Chairman Balyeat

01:51:10 Sen. Moore

01:52:11 Sen. Mowbray

01:54:22 **Vote:** Motion failed 3-8 by roll call vote with Sen. Balyeat, Sen. Jackson and Sen. Moore voting aye. Sen. Tutvedt, Sen. Jackson, and Se. Windy Boy voted by proxy. Without objection, Chairman Balyeat moved to **REVERSE THE VOTE AND TABLE THE BILL.**

1:54:40 Sen. Jackson returned.

EXECUTIVE ACTION ON SB 341

01:54:50 **Motion:** Sen. Moore moved that **SB 341 DO PASS.**

01:55:04 **Motion:** Sen. Moore moved that **SB 341 BE AMENDED.**
EXHIBIT(bus40a09)

Discussion:

01:55:52 Sen. Tropila

01:56:06 Ms. Murdo

01:56:33 Chairman Balyeat

01:56:46 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:56:57 **Motion:** Sen. Moore moved that **SB 341 DO PASS AS AMENDED.**

Discussion:

01:57:09 Sen. Moore

02:00:49 Chairman Balyeat

02:03:44 Sen. Tropila

02:04:30 Sen. Steinbeisser

02:04:54 Sen. Face

02:05:59 Sen. Moore

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02:06:46 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

02:08:16 Chairman Balyeat

02:08:20 Ms. Murdo

02:08:23 Sen. Facey

02:08:41 Chairman Balyeat

02:09:01 Ms. Murdo

02:09:15 Chairman Balyeat

ADJOURNMENT

Adjournment: 10:10 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus40aad.pdf](#))